Dear Sir,

Legal Profession and Legal Aid (Scotland) Bill 2005

The above bill makes provision in Section 18 for an annual general levy to be paid by every solicitor who has in force a practising certificate. The purpose of this levy is to pay for the cost of The Scottish Legal Complaints Commission.

The function of the Commission is to investigate complaints in relation to professional misconduct or unsatisfactory professional conduct or inadequate professional services provided by a legal practitioner.

Clearly the only relationship within which such complaints can be made is that where a person has instructed a legal practitioner to act on that person's behalf. However, a large proportion of the profession in Scotland does not work within the private sector. Solicitors in local or central government, or employed by other companies or organisations, will ipso facto never be in the position of being instructed to act on behalf of anyone other than their employers.

It follows that as this levy, and indeed the existence of the Complaints Commission, is for practical purposes irrelevant to solicitors employed outwith the private sector, there should be no obligation on those solicitors to pay this levy. They should be exempt.

I would ask that the bill should be amended accordingly.

Yours faithfully

Patrick J Boyle.